

House Bill 710 (AS PASSED HOUSE AND SENATE)

By: Representatives Jenkins of the 8th, Bridges of the 10th, Ralston of the 7th, Roberts of the 154th, Bearden of the 68th, and others

A BILL TO BE ENTITLED

AN ACT

To amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for special license plates promoting beneficial projects and supporting worthy agencies, funds, or nonprofit corporations, as determined by the General Assembly; to provide for issuance, renewal, fees, licensing agreements, applications, intent to appropriate revenue, audits, and transfers relative to such special license plates; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, is amended by adding a new Code section to read as follows:

"40-2-86.19.

(a) The General Assembly has determined that the issuance of special license plates to support an agency or fund or a program beneficial to the people of this state that is administered by a nonprofit corporation organized under Section 501(c)(3) of Title 26 of the Internal Revenue Code and, subject to the appropriation process of the General Assembly, appropriating a portion of the funds raised from the sale of these special license plates is in the best interests of the people of this state. Therefore, the license plates listed in subsection (l) of this Code section shall be issued by the department beginning on January 1, 2007, if all of the requirements of subsections (b) through (k) of this Code section have been satisfied.

(b) The commissioner, in cooperation with the agency, fund, or nonprofit corporation sponsoring the special license plate, shall design special distinctive license plates intended to promote the program benefited by the sale of the special license plate. The special

1 license plates must be of the same size as general issue motor vehicle license plates and
2 shall include a unique design and identifying number, whereby the total number of
3 characters does not exceed six. No two recipients shall receive identically numbered plates.
4 The graphic on the special license plate shall be placed to the left of the alphanumeric
5 characters and shall be no larger than three inches by three inches. The agency, fund, or
6 nonprofit corporation sponsoring the license plate may request the assignment of the first
7 of 100 in a series of license plates upon payment of an additional initial registration fee of
8 \$25.00 for each license plate requested.

9 (c) Notwithstanding the provisions of subsection (b) of this Code section, no special
10 license plate shall be produced until such time as the State of Georgia has, through a
11 licensing agreement or otherwise, received such licenses or other permissions as may be
12 required to produce the special license plate. The design of the initial edition of any special
13 license plate, as well as the design of subsequent editions and excepting only any part or
14 parts of the designs owned by others and licensed to the state, shall be owned solely by the
15 State of Georgia for its exclusive use and control, except as authorized by the
16 commissioner. The commissioner may take such steps as may be necessary to give notice
17 of and protect such right, including the copyright or copyrights. However, such steps shall
18 be cumulative of the ownership and exclusive use and control established by this
19 subsection as a matter of law, and no person shall reproduce or otherwise use such design
20 or designs, except as authorized by the commissioner.

21 (d) Beginning on January 1, 2007, any Georgia resident who is the owner of a motor
22 vehicle, except a vehicle registered under the International Registration Plan, upon
23 complying with the motor vehicle laws relating to registration and licensing of motor
24 vehicles and upon the payment of a manufacturing fee of \$25.00 in addition to the regular
25 motor vehicle registration fee shall be able to apply for a special license plate listed in
26 subsection (l) of this Code section. Revalidation decals shall be issued for special license
27 plates in the same manner as provided for general issue license plates.

28 (e) The manufacturing fee derived from the sale of special license plates shall be deposited
29 into the general fund. The sponsoring agency, fund, or nonprofit corporation, subject to
30 the appropriation process of the General Assembly, may request that the funds derived
31 from the sale of special license plates be appropriated to the department for disbursement
32 to such agency, fund, or nonprofit corporation.

33 (f) Before the department disburses to the agency, fund, or nonprofit corporation funds
34 from the sale of special license plates, the agency, fund, or nonprofit corporation must
35 provide a written statement stating the manner in which such funds shall be utilized. In
36 addition, a nonprofit corporation must provide the department with documentation of its

1 nonprofit status under Section 501(c)(3) of Title 26 of the Internal Revenue Code. The
2 purposes for which the funds shall be utilized must be the same as those specified in
3 subsection (l) of this Code section authorizing the potential appropriation to the agency,
4 fund, or nonprofit corporation of revenue from the sale of special license plates. The
5 agency, fund, or nonprofit corporation shall periodically provide to the commissioner an
6 audit of the use of the funds or other evidence of use of the funds satisfactory to the
7 commissioner. If it is determined that the funds are not being used for the purposes set
8 forth in the statement provided by the agency, fund, or nonprofit corporation, the
9 department shall withhold payment of such funds until such noncompliance issues are
10 resolved.

11 (g) An applicant may request a special license plate any time during the applicant's
12 registration period. If such a license plate is to replace a current valid license plate, the
13 special license plate shall be issued with appropriate decals attached.

14 (h) No special license plate authorized pursuant to subsection (l) of this Code section shall
15 be issued except upon the receipt by the department of at least 1,000 applications. The
16 special license plate shall have an application period of two years after January 1, 2007, for
17 payment of the manufacturing fee. After such time if the minimum number of applications
18 is not met, the department shall not continue to accept the manufacturing fee, and all fees
19 shall be refunded to applicants.

20 (i) The department shall not be required to continue to manufacture the special license
21 plate if the number of active registrations falls below 500 registrations at any time during
22 the provided for in subsection (b) of Code Section 40-2-31. A current registrant may
23 continue to renew such special license plate during his or her annual registration period
24 upon payment of an additional \$25.00 annual special tag fee, which fee shall be collected
25 by the county tag agent at the time of collection of other registration fees and shall be
26 remitted to the state as provided in Code Section 40-2-34. The department may continue
27 to issue such special license plates that it has in its inventory to assist in achieving the
28 minimum number of registrations. If the special license plate falls below 500 active
29 registrations at any time during the period provided for in subsection (b) of Code Section
30 40-2-31, the sponsoring agency, fund, or nonprofit corporation shall be required again to
31 obtain 1,000 applications accompanied by the manufacturing fee to continue to
32 manufacture the special license plate.

33 (j) Special license plates shall be transferred from one vehicle to another vehicle in
34 accordance with the provisions of Code Section 40-2-80.

35 (k) Special license plates shall be issued within 30 days of application once the
36 requirements of this Code section have been met.

1 (1)(1) The General Assembly has determined that license plates promoting the agencies,
2 funds, or nonprofit corporations listed in this subsection shall be issued for the purposes
3 indicated and the revenue shall be deposited in the general fund, subject to the
4 appropriation process of the General Assembly.

5 (2) A special license plate identifying persons with diabetes. The main purpose of the
6 special license plate is that law enforcement officers and emergency personnel will be
7 alerted to the potential for special needs before they approach the driver of a vehicle,
8 especially if the vehicle has been involved in an accident. The funds raised by the sale
9 of this special license plate shall be deposited in the general fund.

10 (3) A special license plate honoring all veterans who have served in the armed services
11 of the United States. All of these men and women have sacrificed a portion of their lives
12 in order to serve their country and protect our freedom. The funds raised by the sale of
13 this special license plate shall be deposited in the general fund.

14 (4) A special license plate honoring the Georgia Association of Realtors. The
15 Association is being honored for its long-standing support of housing opportunities for
16 all citizens of this state, private property rights, and all organizations that assist people
17 in achieving the American dream of home ownership. The funds raised by the sale of this
18 special license plate shall be deposited in the general fund."

19 **SECTION 2.**

20 This Act shall become effective on July 1, 2006.

21 **SECTION 3.**

22 All laws and parts of laws in conflict with this Act are repealed.